



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 07-74

Date: August 21, 2007

Application No. 5054800

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

SUBJECT: Proposed Temporary Sandbags for Emergency Water Supply for Existing Municipal Water Intake at Harpeth River Mile 36.8, Cheatham County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)** for the discharge of fill material into waters of the United States. Before a permit can be issued, certification must be provided by the state of Tennessee, pursuant to **Section 401(1)(1) of the CWA**, that applicable water quality standards will not be violated. The applicant has applied for the required water quality certification by separate application.

APPLICANT: Second South Cheatham Utility
P.O. Box 6
Kingston Springs, Tennessee 37082

LOCATION: Harpeth River Mile 36.8, Cheatham County, Tennessee (Kingston Springs Quad; lat 36-6-20.7692; lon 87-4-23.0027)

DESCRIPTION: Due to the low rainfall, the Harpeth River levels have dropped to extremely low depths. The low water depths are creating a situation that there is not enough water depth over the existing water intake screens for the municipal water supply. The applicant provides water to approximately 9,000 customers for the city of Kingston Springs and outlying parts of Cheatham County. The proposed work would be to place temporary sand bags within the Harpeth River to create a backwater effect over the existing water intake screens. The sandbags would be placed in a manner to leave an approximately 40' wide opening of the river to allow passage. The sandbags would also only be placed to a height to provide approximately 1' of depth over the water intake screens. The sandbags could then be

removed upon restoration of adequate flow in the Harpeth River to provide the necessary water depth.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The work has been categorically excluded from environmental documentation by 33 CFR Part 325 Part 325, Appendix B, Paragraph 6, which became effective on March 4, 1988. An Environmental Assessment may be prepared if extraordinary

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circumstances are revealed during the public interest review.

Previous coordination with the Tennessee Historical Commission (THC) for the existing water intake structure has been performed in 1998. The THC responded at that time that the proposed project would have no effect on National Register or eligible properties for listing on the National Register of Historic Places. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Previous coordination with the U.S. Fish and Wildlife Service indicated that based on available information, the proposed work will not destroy or endanger any federally-listed, threatened, or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Water Quality Certification from the state of Tennessee is required for the proposed work in accordance with Section 401(a)(1) of the CWA.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

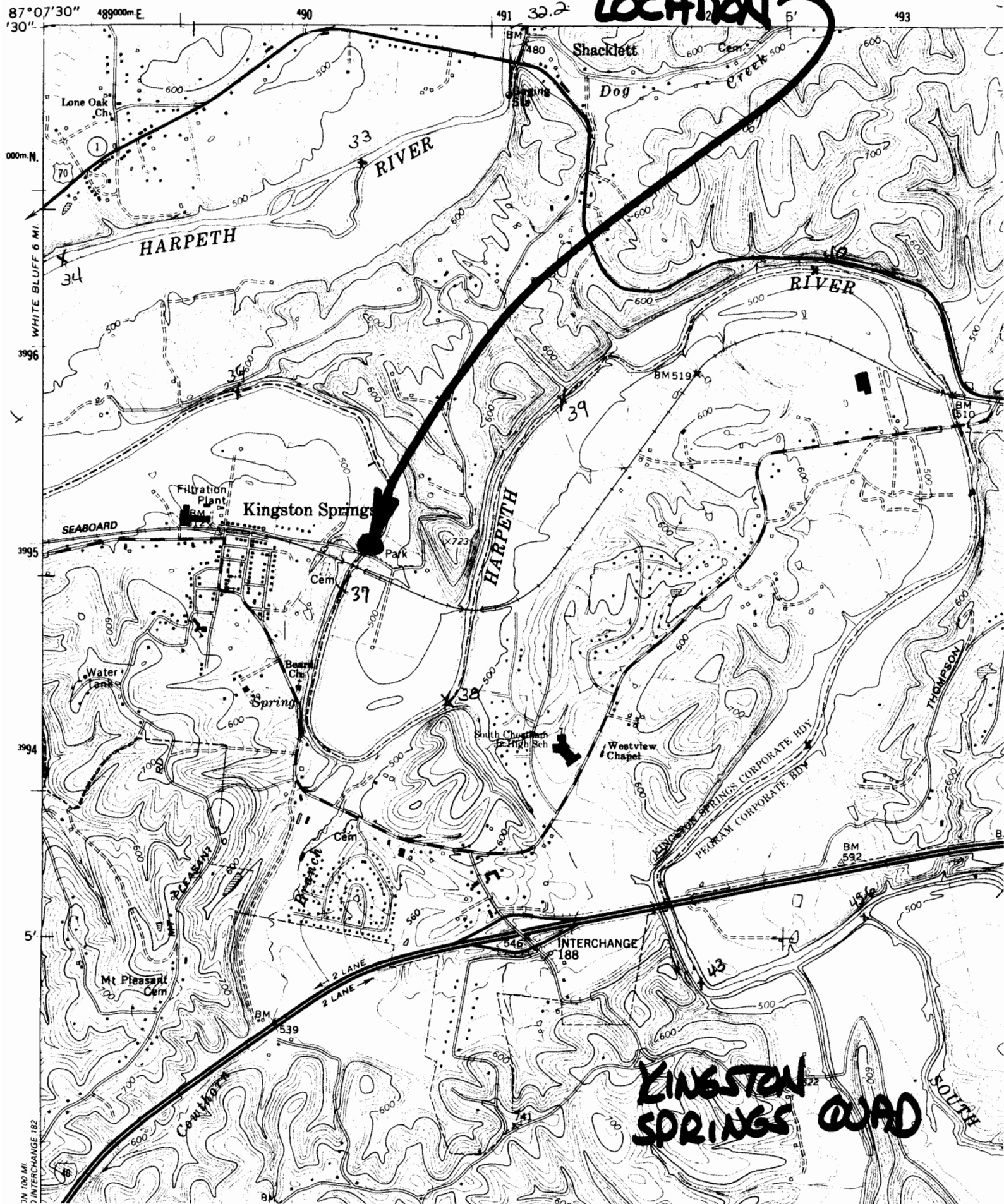
Written statements received in this office on or before **September 5, 2007**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson, at the above address, telephone (615) 369-7509.

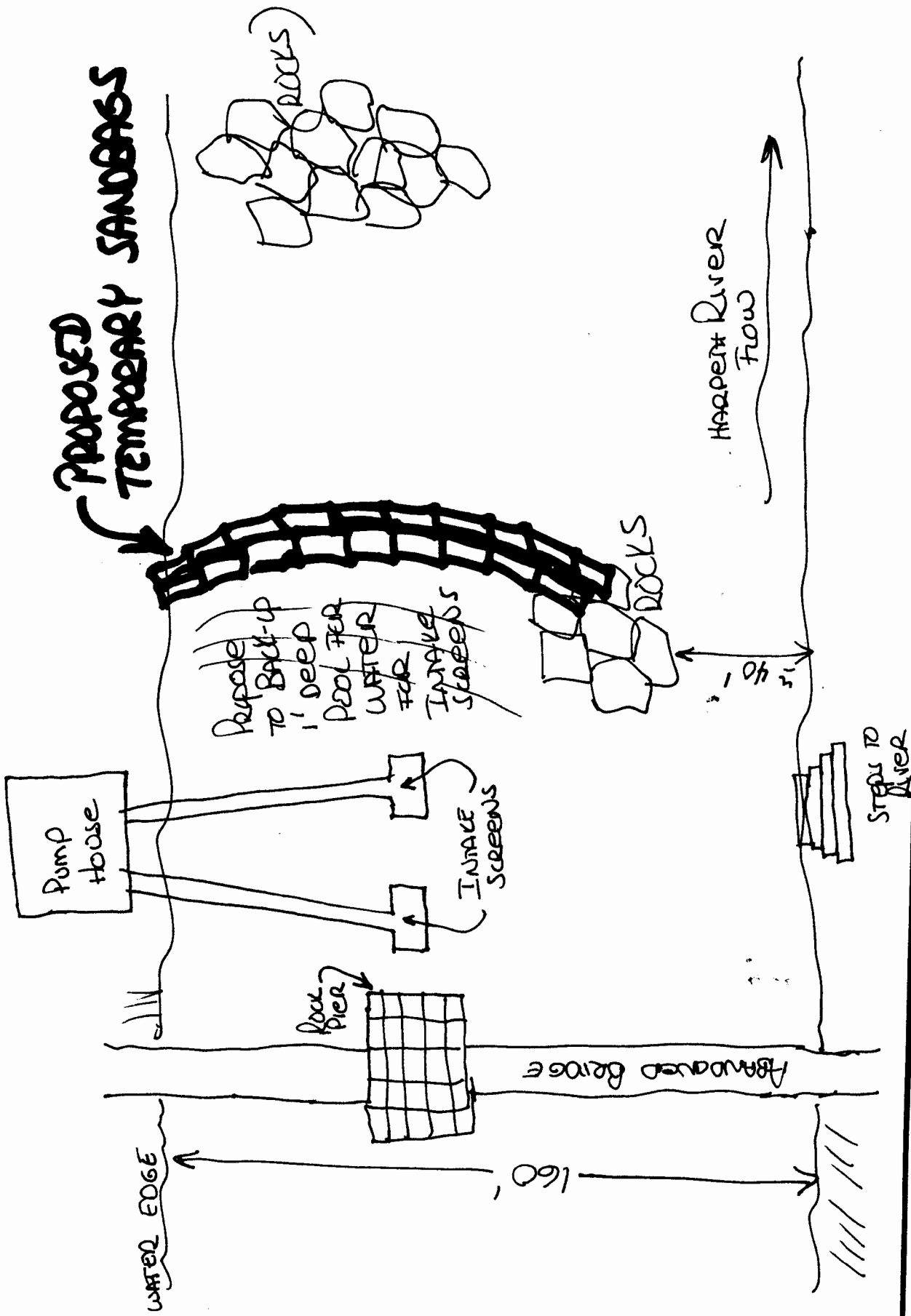
If you received this notice by mail and wish to view all of the diagrams, visit our web site at:
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Amy Robinson at the above address or phone number.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

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LOCATION





Private
Lot

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